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*Attorneys for Court-Appointed Receiver*  
*Colliers International NJ, LLC*

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

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U.S. BANK NATIONAL ASSOCIATION,  
AS TRUSTEE FOR THE REGISTERED  
HOLDERS OF WELLS FARGO  
COMMERCIAL MORTGAGE  
SECURITIES, INC., MULTIFAMILY  
MORTGAGE PASS-THROUGH  
CERTIFICATES, SERIES 2018-SB51,

and

U.S. BANK NATIONAL ASSOCIATION,  
AS TRUSTEE FOR THE REGISTERED  
HOLDERS OF WELLS FARGO  
COMMERCIAL MORTGAGE  
SECURITIES, INC. MULTIFAMILY  
MORTGAGE PASS-THROUGH  
CERTIFICATES, SERIES 2018-SB55,

and

U.S. BANK NATIONAL ASSOCIATION,  
AS TRUSTEE FOR THE REGISTERED  
HOLDERS OF WELLS FARGO  
COMMERCIAL MORTGAGE  
SECURITIES, INC. MULTIFAMILY  
MORTGAGE PASS-THROUGH  
CERTIFICATES, SERIES 2018-SB57,

and

U.S. BANK NATIONAL ASSOCIATION,  
AS TRUSTEE FOR THE REGISTERED  
HOLDERS OF J.P. MORGAN CHASE

Civil Action No. 19-cv-17865 (MCA)(LDW)

**~~PROPOSED~~ ORDER DIRECTING  
RECEIVER TO DEPOSIT SURPLUS  
FUNDS INTO THE TREASURY  
REGISTRY**

COMMERCIAL MORTGAGE SECURITIES :  
CORP. MULTIFAMILY MORTGAGE :  
PASS-THROUGH CERTIFICATES SERIES :  
2018-SB58, :

and :

WILMINGTON TRUST, NATIONAL :  
ASSOCIATION, AS TRUSTEE FOR THE :  
REGISTERED HOLDERS OF CREDIT :  
SUISSE FIRST BOSTON MORTGAGE :  
SECURITIES CORP. MULTIFAMILY :  
MORTGAGE PASS-THROUGH :  
CERTIFICATES, SERIES 2019-SB61, :

and :

U.S. BANK NATIONAL ASSOCIATION, :  
AS TRUSTEE FOR THE REGISTERED :  
HOLDERS OF J.P. MORGAN CHASE :  
COMMERCIAL MORTGAGE SECURITIES :  
CORP. MULTIFAMILY MORTGAGE :  
PASS-THROUGH CERTIFICATES, SERIES :  
2019-SB64, :

and :

OREC NJ, LLC, :

and :

THREE LINE-NJ1, LLC, :

Plaintiffs, :

v. :

LENOX TEMPLE LLC, LENOX LIBERTY :  
LLC, LENOX HUDSON LLC, :  
HACKENSACK NORSE LLC, :  
ENGLEWOOD FUNDING LLC, :  
PLAINFIELD NORSE, LLC, POST :  
AVENUE VENTURES, LLC, FLR :  
VENTURES LLC, BROOKLAWN NORSE, :  
LLC, PENN NORSE LLC, GARFIELD :  
NORSE LLC, ELIZABETH NORSE LLC, :  
SUSSEX NORSE LLC, CLIFTON FL :

VENTURES LLC, BAYONNE :  
BROADWAY NORSE LLC, 137-139 THIRD :  
NORSE LLC, PASSAIC NORSE LLC, :  
PERTH NB VENTURES LLC, 2680 :  
KENNEDY VENTURES LLC, FEDERAL :  
HOME LOAN MORTGAGE CORP., and :  
SETH LEVINE, :  
: :  
Defendants. :  
-----X-----

JLS EQUITIES, LLC A NEW YORK : Civil Action No. 19-cv-17615 (MCA)(LDW)  
LIMITED LIABILITY COMPANY, :  
: :  
Plaintiff, :  
: :  
vs. :  
: :  
LENOX HUDSON, LLC, LENOX TEMPLE, :  
LLC, RIVER FUNDING, LLC, TEANECK :  
PLAZA VENTURES, LLC, SETH LEVINE, :  
and SHIRA LEVINE, :  
: :  
Defendants. :  
-----X-----

### **ORDER DIRECTING DEPOSIT OF SURPLUS FUNDS**

THIS MATTER having been opened by Colliers International NJ LLC, the Court-Ordered Receiver (the “**Receiver**” or “**Colliers**”) for the properties that are the subject of the above-referenced actions, by and through its undersigned attorneys, Sills Cummis & Gross P.C. (“**SCG**”), for an entry of an Order authorizing and directing Colliers to deposit surplus funds in the amount of \$632.10 in connection with the property located at 107-109 Hudson Street, Hackensack, NJ 07601 (the “**107-109 Hudson St. Property**”), previously owned by Defendant Lenox Hudson LLC (“**Lenox Hudson**”); and

WHEREAS, Colliers was the Court-Appointed Receiver for the 107-109 Hudson St. Property, pursuant to Orders of the Court entered (i) in *U.S. Bank National Association, as Trustee v. Lenox Temple LLC, et al.*, Civil Action No. 19-cv-17865 (the “**US Bank Action**”) on September

13, 2019 (ECF # 5), and amended on December 4, 2019 (ECF # 46), and (ii) *JLS Equities, LLC v. River Funding, LLC, et al.*, Civil Action No. 19-cv-17615-MCA-LDW (the “JLS Action,” and together with the US Bank Action, the “Actions”) on September 12, 2019 (ECF # 7), and amended on December 4, 2019 (ECF # 52) (together, the “Receiver Order”); and

WHEREAS, pursuant to Orders entered in the US Bank Action (ECF #140) and the JLS Action (ECF #141) on April 7, 2021 (together, the “Sale Order”), the Court approved the Receiver’s Motion to, *inter alia*, (i) sell the 107-109 Hudson St. Property free and clear of all liens, claims and encumbrances of any Interested Parties, pursuant to the PSA between the Receiver and Buyer,<sup>1</sup> (ii) authorized the Receiver to distribute the net proceeds from the Sale, and (iii) authorized the Receiver to deposit any surplus proceeds with the Court; and

WHEREAS, no Interested Party has appealed the Sale Order, the Closing on the Sale of the Subject Properties was held, the Sale consummated on May 27, 2021, and title to the 107-109 Hudson St. Property has been transferred to the Buyer; and

WHEREAS, pursuant to the Sale Order and PSA, the Buyer has assumed all responsibilities and liabilities for the ownership and operation of the Subject Properties following the Closing; and

WHEREAS, on July 6, 2021, the Court approved and entered a Consent Order directing the Receiver to, *inter alia*, submit its final accounting for review and approval by this Court for the 107-109 Hudson St. Property (the “Consent Order”) (ECF # 169); and

WHEREAS, on August 6, 2021, the Receiver submitted its final accounting the 107-109 Hudson St. Property, as well as the properties located at (i) 54-78 Temple Avenue, Hackensack, New Jersey 07601 (the “54-78 Temple Ave. Property”), previously owned by Defendant Lenox

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<sup>1</sup> Unless otherwise indicated, all defined terms shall have the meaning ascribed to them in the Sale Order.

Temple LLC (“Lenox Temple”), (ii) 406-444 Liberty Street, Little Ferry, NJ 07643 (the “406-444 Liberty St. Property”), previously owned by Defendant Lenox Liberty LLC (“Lenox Liberty”), (iii) 88 McKinley Street, Hackensack, NJ 07601 (the “88 McKinley St. Property”), previously owned by Defendant Hackensack Norse LLC (“Hackensack Norse”), and (iv) 170 South Park Street, Hackensack, NJ 07601 (the “170 South Park St. Property”), previously owned by Defendant Hackensack Norse<sup>2</sup> (the “Final Accounting”) (ECF # 195); and

WHEREAS, no Interested Parties filed objections to the Final Accounting, and, by virtue of the Sale Order and the Consent Order, Colliers has been discharged as the Receiver with respect to Subject Properties, only; and

WHEREAS, following Colliers’ discharge as the Receiver for the Subject Properties, it received a refund check for the 107-109 Hudson St. Property from PSE&G for prior utility payments in the amount of six hundred and thirty-two dollars and ten cents (\$632.10) (the “PSE&G Refund”)<sup>3</sup>; and

WHEREAS, Colliers seeks to deposit the PSE&G Refund as surplus with respect to the 107-109 Hudson St. Property with the District Court of New Jersey’s Treasury Registry

IT IS, on this 31<sup>st</sup> day of August, 2021, **ORDERED** that:

1. In accordance with Paragraph 12 of the Sales Procedure Order, and Paragraph 5 of the Sale Order, Paragraph 1 of the Consent Order, and pursuant to Fed. R. Civ. P. 67 and L. Civ. R. 67.1, the Receiver shall submit, and the Clerk of Court shall deposit into the non-interest bearing Court Registry, the PSE&G Refund totaling \$632.10, which amount shall be

<sup>2</sup> The 54-78 Temple Ave. Property, 406-444 Liberty St. Property, 107-109 Hudson St. Property, 88 McKinley St. Property, and 170 South Park St. Property shall be collectively referred to herein as the “Subject Properties”).

<sup>3</sup> A copy of the PSE&G Refund check is attached hereto as Exhibit A.

distributed by the Court upon application of any Interested Party, in accordance with the amount and priority of the parties' liens and encumbrances upon each of the Subject Properties.

2. A copy of this Order shall be served upon all parties to the Actions and all Interested Parties within seven days of the date hereof.

  
\_\_\_\_\_  
HON. MADELINE COX ARLEO, U.S.D.J.

8-31-21

# Exhibit A



Public Service Electric and Gas Company  
P. O. BOX 330  
NEWARK, NJ 07101

Page 1 of 1

DATE 07/28/2021



FOR SECURITY PURPOSES, THE BACK OF THIS DOCUMENT CONTAINS AN ARTIFICIAL WATERMARK



Public Service Electric and Gas Company  
P. O. BOX 330  
NEWARK, NJ 07101

The Bank of New York (Delaware)

Newark, Delaware

CUSTOMER REFUND ACCOUNT

PURPOSE OF REFUND: A

ACCOUNT NUMBER: 0008855185108

0009901499194

62-35/311

N

DATE

07/28/2021

NET AMOUNT

\$\*\*\*\*\*632.10

PAY EXACTLY Six Hundred Thirty Two And 10/100 Dollars

95

TO THE  
ORDER OF

LENOX HUDSON LLC  
COLLIERS INTERNATIONAL NJ LLC  
300 INTERPACE PARKWAY BLDG C FL  
PARSIPPANY, NJ 07054

AUTHORIZED SIGNATURE

SIGNATURE HAS A BLUE-GREEN BACKGROUND - BORDER CONTAINS MICROPRINTING MP

⑈9901499194⑈ ⑆031100351⑆ 0300952108⑈